

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF TEXAS  
3 DALLAS DIVISION

4 UNITED STATES OF AMERICA, ) 3:19-CR-371-L-2  
5 Government, )  
6 )  
7 VS. ) DALLAS, TEXAS  
8 )  
9 JOSE MARIA UVALLE, )  
Defendant. ) January 7, 2020

10 TRANSCRIPT OF REARRAIGNMENT HEARING  
11 BEFORE THE HONORABLE IRMA CARRILLO RAMIREZ  
12 UNITED STATES MAGISTRATE JUDGE  
13

14 A P P E A R A N C E S:  
15

16 FOR THE GOVERNMENT:

17 MR. P.J. MEITL  
18 UNITED STATES DEPARTMENT OF JUSTICE  
19 NORTHERN DISTRICT OF TEXAS  
20 U.S. Courthouse, Third Floor  
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1 FOR THE DEFENDANT:

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15 INTERPRETER:

MR. MICHAEL MAHLER

18 COURT REPORTER:

MR. TODD ANDERSON, RMR, CRR  
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23 Proceedings reported by mechanical stenography and  
24 transcript produced by computer.  
25

1 REARRAIGNMENT HEARING - JANUARY 7, 2020

2 P R O C E E D I N G S

3 THE COURT: There you are, Mr. Mahler.

4 THE INTERPRETER: Yes, ma'am.

5 THE COURT: If you will please raise your right hand  
6 and be sworn.

7 (The Interpreter was sworn)

8 THE COURT: Jose Maria Uvalle.

9 MR. MEITL: P.J. Meitl for the Government.

10 THE COURT: Sir, I understand that you need the  
11 services of a spanish interpreter; is that correct?

12 THE DEFENDANT: Yes.

13 THE COURT: Mr. Mahler will be assisting you this  
14 morning.

15 If you will please raise your right hand for me and  
16 be sworn.

17 (The Defendant was sworn)

18 THE COURT: You can put your hand down.

19 Do you understand, sir, that you're now under oath  
20 and that if you answer any of my questions falsely that you  
21 could later be prosecuted for perjury or making a false  
22 statement?

23 THE DEFENDANT: Yes.

24 THE COURT: Please tell me your whole name for the  
25 record.

1 THE DEFENDANT: Jose Maria Uvalle.

2 THE COURT: How old are you, sir?

3 THE DEFENDANT: 24.

4 THE COURT: How much education have you had?

5 THE DEFENDANT: Just elementary school.

6 THE COURT: Are you able to read and write in  
7 Spanish?

8 THE DEFENDANT: Yes.

9 THE COURT: How about English?

10 THE DEFENDANT: No.

11 THE COURT: Within the last six months have you been  
12 under the care of any doctor?

13 THE DEFENDANT: No.

14 THE COURT: Have you ever been hospitalized or  
15 treated for narcotics addiction or alcoholism?

16 THE DEFENDANT: No.

17 THE COURT: Have you ever been diagnosed with any  
18 emotional or mental disability or problem?

19 THE DEFENDANT: No.

20 THE COURT: Are you now under the influence of  
21 alcohol or any drug?

22 THE DEFENDANT: No.

23 THE COURT: Is there anything you know of that could  
24 in any way affect your ability to understand why you're here  
25 today and what you're going to do?

1 THE DEFENDANT: No.

2 THE COURT: Are you comfortable that you do fully  
3 understand what it is that you're here for?

4 THE DEFENDANT: Yes.

5 THE COURT: Mr. Herrington, any reason to believe  
6 that Mr. Uvalle is not fully competent to enter a plea of  
7 guilty?

8 MR. HERRINGTON: No, Your Honor.

9 THE COURT: Do you believe his plea will be a knowing  
10 and voluntary plea?

11 MR. HERRINGTON: I do, Your Honor.

12 THE COURT: Mr. Uvalle, you have the right to enter  
13 your plea of guilty before the district judge who's assigned to  
14 your case, but you can agree to have a magistrate judge take  
15 your plea and make a recommendation to the Judge that he either  
16 accept or reject your plea.

17 I have here a signed notice and consent form that I'm  
18 holding up. Can you see the signature from where you're  
19 standing?

20 THE DEFENDANT: Yes.

21 THE COURT: Is this your signature?

22 THE DEFENDANT: Yes.

23 THE COURT: Was this form translated for you before  
24 you signed it?

25 THE DEFENDANT: Yes.

1 THE COURT: Did you discuss it with Mr. Herrington?

2 THE DEFENDANT: No.

3 THE COURT: All right. Mr. Herrington?

4 MR. HERRINGTON: If I can have just a second, Your  
5 Honor.

6 (Defendant consults with counsel)

7 MR. HERRINGTON: Your Honor, I ask that the Court  
8 restate the question.

9 THE COURT: All right. Sir, did you go over the  
10 waiver and consent form with Mr. Herrington before you signed  
11 it?

12 THE DEFENDANT: Yes.

13 THE COURT: Do you understand that by signing this  
14 form you've agreed to go forward today before a magistrate  
15 judge?

16 THE DEFENDANT: Yes.

17 THE COURT: Do you still want to go forward today  
18 before a magistrate judge?

19 THE DEFENDANT: Yes.

20 THE COURT: I find that consent has been given  
21 knowingly and voluntarily.

22 You have the right to plead not guilty to any offense  
23 charged against you. If you plead not guilty, the Constitution  
24 guarantees you certain rights:

25 The right to a speedy and public trial by a jury in

1 this district; the right at trial for you to see, hear, and  
2 cross-examine all witnesses against you; the right to use the  
3 power and process of the Court to compel the attendance of  
4 witnesses and production of evidence in your favor; the right  
5 to the assistance of an attorney at all stages of the  
6 proceedings. If you cannot afford an attorney, one would be  
7 appointed for you.

8           You could not be compelled to testify at trial.  
9 Whether or not you would testify would be your decision. The  
10 Government would have to prove your guilt beyond a reasonable  
11 doubt. And if you were convicted, you would have the right to  
12 appeal your conviction.

13           Do you understand that you have and are guaranteed  
14 each of these rights?

15           THE DEFENDANT: Yes.

16           THE COURT: On the other hand, if you plead guilty  
17 and if the district judge accepts your plea there's not going  
18 to be a trial.

19           By pleading guilty you're giving up that right as  
20 well those other rights that go with a trial that I just  
21 described to you. If you plead guilty, you will be convicted  
22 of the offense charged in Count Two of the indictment.

23           Do you understand the consequences of pleading  
24 guilty?

25           THE DEFENDANT: Yes.

1 THE COURT: In Federal court it's the Judge who  
2 decides the sentence whether a defendant is convicted by a jury  
3 or by a plea of guilty.

4 The United States Sentencing Commission issued  
5 guidelines for judges to follow to decide the appropriate  
6 sentence in a criminal case. The Supreme Court later found  
7 that the guidelines were not mandatory but only advisory. That  
8 means that the Judge has to consider how the guidelines might  
9 apply in your case, but he's not required to follow them.

10 Have you and Mr. Herrington talked about these  
11 guidelines and how they might apply in your case?

12 THE DEFENDANT: Yes.

13 THE COURT: Even so, do you understand that you  
14 should not depend or rely upon any statement or assurance by  
15 anyone as to what sentence you'll get, because only the Judge  
16 can make that decision?

17 THE DEFENDANT: Yes.

18 THE COURT: The Judge won't make his decision until  
19 after the Probation Office has prepared a presentence report.

20 In order to prepare that report, the Probation Office  
21 will interview you as well as the agents of the Government  
22 about the facts of the case. The officer may also consider a  
23 document called a factual resume. It lists facts that you've  
24 agreed to.

25 You should know that the probation officer isn't



1 limited to this document. The officer can consider facts that  
2 are not listed in the factual resume and disregard facts that  
3 are listed there. If that happens, you may not be permitted to  
4 withdraw your plea of guilty.

5 You will, however, have an opportunity through your  
6 attorney to object to the presentence report.

7 In order to decide your sentence, the Judge will  
8 consider the report, your objections, and any evidence  
9 presented at the sentencing hearing.

10 You do have the right to appeal whatever sentence you  
11 get unless you give up that right. In some cases the  
12 Government also has the right to appeal.

13 Parole has been abolished; so if you're sentenced to  
14 prison, you will not be released on parole.

15 Do you understand generally how the process of  
16 sentencing works?

17 THE DEFENDANT: Yes.

18 THE COURT: You've got Mr. Herrington appearing with  
19 you today as your attorney.

20 Have you had a full opportunity to talk to him about  
21 your case and your proposed plea of guilty?

22 THE DEFENDANT: Yes.

23 THE COURT: Are you fully satisfied with the  
24 representation and advice you've received from him in  
25 connection with your case and your proposed plea of guilty?

1 THE DEFENDANT: Yes.

2 THE COURT: Has a copy of the indictment been  
3 translated for you?

4 THE DEFENDANT: Yes.

5 THE COURT: You have the right to have Count Two  
6 translated for you at this time, but you may waive the reading  
7 of the indictment. What would you like to do?

8 THE DEFENDANT: No.

9 THE COURT: I will ask the Assistant United States  
10 Attorney to set out what we call the essential elements of the  
11 offense. This is what the Government would have to prove at  
12 trial to convict you on this charge, and I will ask you  
13 questions about those elements when he's done.

14 Mr. Meitl?

15 MR. MEITL: Thank you, Your Honor.

16 The Government would have to prove:

17 First: That the Defendant knowingly possessed a  
18 controlled substance;

19 Second: That the substance was in fact a mixture or  
20 substance containing a detectable amount of methamphetamine;  
21 and

22 Third: The Defendant possessed the substance with  
23 the intent to distribute it.

24 THE COURT: Sir, do you understand each of these  
25 essential elements?

1 THE DEFENDANT: Yes.

2 THE COURT: Do you admit that you committed each of  
3 these essential elements?

4 THE DEFENDANT: Yes.

5 THE COURT: A defendant who's accused of a crime  
6 cannot plead guilty unless he is actually guilty of that crime.

7 If you plead guilty, your plea must not be prompted  
8 or induced by any promises, pressure, threats, force, or  
9 coercion of any kind. A plea of guilty has to be purely  
10 voluntary, and you should plead guilty only because you are  
11 guilty and for no other reason.

12 Has anyone in any way tried to make you or get you to  
13 plead guilty in this case?

14 THE DEFENDANT: No.

15 THE COURT: Do you have a copy of the plea agreement  
16 that was filed on December 6th there in front of you?

17 THE DEFENDANT: Yes.

18 THE COURT: Please look with me at pages 8 and 9 and  
19 tell me if you signed this document on both pages.

20 THE DEFENDANT: Yes.

21 THE COURT: Before you signed it, was it fully  
22 translated for you?

23 THE DEFENDANT: Yes.

24 THE COURT: Did you have an opportunity to fully  
25 discuss it with Mr. Herrington and to ask him any questions you

1 had about it?

2 THE DEFENDANT: Yes.

3 THE COURT: Were you comfortable that you fully  
4 understood everything set out here in the plea agreement before  
5 you signed it?

6 THE DEFENDANT: Yes.

7 THE COURT: Are all of the terms of your agreement  
8 with the Government set out in this written document?

9 THE DEFENDANT: Yes.

10 THE COURT: I would like to go over some of the terms  
11 with you.

12 On page 2, in paragraph 4, you agree that you  
13 recognize that pleading guilty might have consequences on your  
14 immigration status if you're not a citizen.

15 Are you a citizen of the United States?

16 THE DEFENDANT: No.

17 THE COURT: Do you understand that your conviction in  
18 this case could result in your deportation and could affect  
19 your ability ever to become a citizen of the United States?

20 THE DEFENDANT: Yes.

21 THE COURT: Do you understand that no one, including  
22 your attorney or even this Court, can predict at this time what  
23 the specific consequences will be on your immigration status if  
24 you are convicted in this case?

25 THE DEFENDANT: Yes.

1 THE COURT: Did you have a chance to talk to  
2 Mr. Herrington about the potential consequences, up through and  
3 including deportation?

4 THE DEFENDANT: Yes.

5 THE COURT: And even though you understand that the  
6 specific consequences cannot be predicted at this time, do you  
7 still wish to go forward with your plea of guilty?

8 THE DEFENDANT: Yes.

9 THE COURT: On page 4, in paragraph 8, there's an  
10 agreement by you to give up all right, title, and interest you  
11 have in certain property that was noted as subject to  
12 forfeiture under the plea of guilty. You've agreed not to  
13 challenge the Government's taking of that property through any  
14 type of proceeding.

15 Did you voluntarily and of your own free will agree  
16 to give up your rights to that property and to let the  
17 Government take it?

18 THE DEFENDANT: Yes.

19 THE COURT: On page 5, in paragraph 9, there's a  
20 promise by the Government not to bring any additional charges  
21 against you based on the underlying conduct and to dismiss  
22 after sentencing any remaining charges in the pending  
23 indictment.

24 Because your plea agreement has these promises by the  
25 Government, the Judge has to decide if he's going to accept it.

1 If the Judge does not accept your plea agreement, you will be  
2 able to change your plea of guilty to not guilty.

3 Do you understand that this is an option if the Judge  
4 does not accept your plea agreement?

5 THE DEFENDANT: Yes.

6 THE COURT: On page 6, in paragraph 12, there's a  
7 waiver of right to appeal. As I explained earlier, you do have  
8 this right unless you give it up.

9 Do you understand that in paragraph 12 you've agreed  
10 to give up your right to appeal except for the limited  
11 circumstances that are listed there?

12 THE DEFENDANT: Yes.

13 THE COURT: Paragraph 12 also has a waiver of right  
14 to otherwise challenge sentence. You can challenge your  
15 sentence and conviction through what we call a writ of habeas  
16 corpus or a motion to vacate sentence.

17 Do you understand that in paragraph 12 you have also  
18 agreed to give up this right except for the limited  
19 circumstances that are listed there?

20 THE DEFENDANT: Yes.

21 THE COURT: Do you understand that you've only  
22 reserved the rights to bring a direct appeal of a sentence that  
23 exceeds the statutory maximum punishment, or an arithmetic  
24 error at sentencing, to challenge the voluntariness of your  
25 plea of guilty or this waiver, or to bring a claim of

1 ineffective assistance of counsel?

2 THE DEFENDANT: Yes.

3 THE COURT: Did you voluntarily and of your own free  
4 will agree to give up your rights to appeal or to otherwise  
5 challenge your sentence except for these limited circumstances?

6 THE DEFENDANT: Yes.

7 THE COURT: Other than this written plea agreement,  
8 has anyone made you any promise or assurance of any kind in  
9 order to get you to plead guilty?

10 THE DEFENDANT: No.

11 THE COURT: By signing the plea agreement, are you  
12 asking the Court to approve and accept it?

13 THE DEFENDANT: Yes.

14 THE COURT: I'm going to ask the Assistant United  
15 States Attorney to set out the potential penalties and  
16 consequences you will face if convicted on this charge.

17 Mr. Meitl?

18 MR. MEITL: Thank you, Your Honor.

19 Those include:

20 Imprisonment for a period not to exceed 20 years.

21 A fine not to exceed \$1 million, or twice any  
22 pecuniary gain to the Defendant or loss to the victims.

23 A term of supervised release of not less than three  
24 years, which is mandatory under the law and will follow any  
25 term of imprisonment. If the Defendant violates the conditions

1 of supervised release, the Defendant could be imprisoned for  
2 the entire term of supervised release.

3 A mandatory special assessment of \$100.00.

4 Restitution to victims or to the community, which may  
5 be mandatory under the law and which the Defendant agrees may  
6 include restitution arising from all relevant conduct, not  
7 limited to that arising from the offense of conviction alone.

8 Costs of incarceration and supervision.

9 And forfeiture of property.

10 THE COURT: Do you understand, sir, that if you plead  
11 guilty you will be subject to the penalties and consequences  
12 just explained by the Assistant United States Attorney?

13 THE DEFENDANT: Yes.

14 THE COURT: Do you understand that if the sentence  
15 you get is more than what you expect it to be you will still be  
16 bound by your plea of guilty?

17 THE DEFENDANT: Yes.

18 THE COURT: Having heard all of this, how do you  
19 plead to Count Two of the indictment? Guilty or not guilty?

20 THE DEFENDANT: Guilty.

21 THE COURT: Before I can recommend to Judge Lindsay  
22 that he accept your plea, I have to find that there are enough  
23 facts to support it.

24 Do you have a copy of the factual resume that was  
25 filed on December 6th there in front of you?



1 THE DEFENDANT: Yes.

2 THE COURT: Please look with me at page 3 and tell me  
3 if you signed this document on that page.

4 THE DEFENDANT: Yes.

5 THE COURT: Before you signed it, was it fully  
6 translated for you?

7 THE DEFENDANT: Yes.

8 THE COURT: Did you have an opportunity to fully  
9 discuss it with Mr. Herrington and ask him any questions you  
10 had about it?

11 THE DEFENDANT: Yes.

12 THE COURT: Were you comfortable that you fully  
13 understood everything set out here in the factual resume before  
14 you signed it?

15 THE DEFENDANT: Yes.

16 THE COURT: Are the facts that are listed there true  
17 and correct?

18 THE DEFENDANT: Yes.

19 THE COURT: You have the right to have these facts  
20 read out loud to you at this time, but you may waive the  
21 reading of the factual resume. What would you like to do?

22 THE DEFENDANT: That it not be read.

23 THE COURT: Being satisfied with the responses given  
24 during this hearing, I make the following finding on the  
25 record:

1           In the case of the United States of America versus  
2   Jose Maria Uvalle, Case 3:19-CR-371-L, Mr. Uvalle is fully  
3   competent and capable of entering an informed plea. His plea  
4   of guilty to Count Two of the indictment is a knowing and  
5   voluntary plea supported by an independent basis in fact that  
6   contains each of the essential elements of the offense charged  
7   in Count Two of the indictment.

8           The Court, therefore, recommends that his plea of  
9   guilty be accepted, and if it is, he will be adjudged guilty of  
10   the offense charged in Count Two of the indictment.

11           I just signed a written recommendation to Judge  
12   Lindsay that he accept your plea. You're going to get a copy  
13   of it in a few moments.

14           If you have any objection to that recommendation,  
15   you'll have 14 days from today to file those objections through  
16   your attorney.

17           As I explained earlier, the Probation Office will now  
18   prepare the presentence report to help the district judge at  
19   sentencing. You will be asked to give information for that  
20   report, and your degree of cooperation could be a factor in the  
21   severity of your sentence.

22           Through your attorney you'll get a copy of that  
23   report well before sentencing, and through him you'll have the  
24   opportunity to file any objections that you think are  
25   appropriate.

1           You are set for sentencing on June 1st at 9:00 in the  
2 morning.

3           And the presentence report is due by April 10th.

4           Mr. Uvalle, do you have any questions about anything  
5 that we covered here this morning?

6           THE DEFENDANT: No.

7           THE COURT: Anything else the Court should address,  
8 Mr. Herrington?

9           MR. HERRINGTON: No, Your Honor.

10          MR. MEITL: No, Your Honor.

11          THE COURT: All right. Good luck to you, sir.

12          You may have a seat.

13          Counsel are excused if they have no further matters  
14 before the Court.

15          (Hearing adjourned)

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1 I, TODD ANDERSON, United States Court Reporter for the  
2 United States District Court in and for the Northern District  
3 of Texas, Dallas Division, hereby certify that the above and  
4 foregoing contains a true and correct transcription of the  
5 proceedings in the above entitled and numbered cause.

6 WITNESS MY HAND on this 31st day of January, 2022.

7  
8  
9 /s/Todd Anderson

10 TODD ANDERSON, RMR, CRR  
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